REMARKS

With this Response claims 72 and 74-75 are amended. Claim 76 is presented herein. Applicants respectfully request that claims 1, 30, 32-50, 52-57, and 59-71 be canceled without prejudice. Therefore, claims 72-75 are pending.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 30, 32-50, 52-57, and 59-71

These claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over the TechShopper Article (*TechShopper*), in view of multiple reference. Specifically, TechShopper was combined with U.S. Patent No. 6,131,087 issued to Luke (*Luke*), U.S. Patent No. 5,794,207 issued to Walker (*Walker*), U.S. Patent No. 4,992,940 issued to Dworkin (*Dworkin*). Applicants have elected to cancel these claims in an effort to expedite prosecution of this matter, rendering rejection of these claims moot.

Claims 72-75

These claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over *TechShopper* in view of the PR Newswire article, "Lycos Deploys Seven of PersonaLogic's Interactive Decision Guides for an Enhanced Online Shopping Experience", June 8, 1998 Dialog File 20, Record #01863400 (*Lycos*). Although not specifically cited in the Office Action with respect to these claims, Applicants will also address the merits of *Luke*. Applicants respectfully submit that these claims are not rendered obvious by the cited references for at least the following reasons.

Claim 72 as amended herein recites the following:

> receiving at the intermediary subsystem a customer-defined product configuration description having a general product indication and a set of product attributes, the set including **a ranking from among multiple, hierarchical tiers**

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of ranks for each attribute to indicate a discrete level of willingness of the customer to negotiate a modification of the particular attribute;

determining a qualification of the customer to transact the purchase;

comparing the customer-defined product configuration to available configurations indicated in an electronic product database stored on a network device to determine a seller having the general product with a set of product attributes at least comparable to the customer-defined set of product attributes, based on the ranking indicated for each attribute;

generating at the intermediary subsystem and transmitting from the intermediary subsystem a request for quote (RFQ) individually identified with an identification number for the customer-defined product configuration to a networked subsystem of the seller determined to have the general product with the set of comparable attributes;

receiving at the intermediary from the seller subsystem a quote indicating a price and a product attribute modification to propose to the customer a product configuration comparable to the customer-defined product configuration; and

indicating the quote to the customer.

Emphasis Added.

TechShopper and *Lycos*, whether alone or in combination, fail to disclose or suggest ranking a product attribute with a ranking from among multiple, hierarchical tiers of ranks that indicate a discrete level of willingness of the customer to negotiate a modification of a particular attribute, as recited in the claim. Therefore, these references fail, alone or in combination, to disclose at least one element of the claimed invention, and so fail to support an obviousness rejection under MPEP § 2143.

Luke was cited against claims now canceled as disclosing rankings for a product attribute. Whether or not the discussion in *Luke* of "multiple dimensions expressed in a linear numeric scale" (col. 4, lines 32 to 34) applies to product attributes, the reference fails to support a rejection of the invention as recited in claim 72. *Luke*'s "dimensions expressed in a linear scale" have a preferred point and an upper and lower bound. The reference refers to this as defining a "range of transaction terms" or the "'market' for a particular product." See col. 6, line 56 to col. 7, line 13. Importantly, there is no suggestion in the reference to support an interpretation that

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the transaction or market space defined by the linear numeric scale has tiered rankings to define a level of willingness of a customer to negotiate a **particular** attribute. The range in *Luke* is intersected with other ranges to define a market space overlap, and fails to define a level of willingness of a customer to negotiate a particular attribute. The whole of the reference suggests that if there is any overlap of ranges, the customer and seller enter negotiations on price and selling date, etc., which does not consider a ranking of an individual product attribute. Thus, *Luke* fails to cure the deficiencies of *TechShopper* and *Lycos*. Therefore, the references, whether alone or in combination, fail to disclose at least one element of the claimed invention and so fail to render the invention obvious under MPEP § 2143.

Furthermore, claim 72 recites an RFQ that is individually identified with an identification number. The cited references fail to disclose or suggest RFQs with IDs. Therefore, the cited references fail to disclose at least one element of the claimed invention, and so fail to render obvious the invention as recited in claim 72.

Furthermore, claim 72 recites receiving a quote from the seller indicating a price and a product attribute modification. Whether or not the references suggest the customer and seller entering into negotiations, the references fail to disclose or suggest the invention as recited in claim 72 with a quote returning a product attribute modification.

Claims 73-76 depend from claim 72, and therefore include all elements of claim 72. These claims are therefore not rendered obvious for at least the reasons set forth above. See MPEP § 2143.03.

Furthermore, claim 74 as amended herein recites the ranking having a scale of one to five, with one being a lowest priority and five being a highest priority. As suggested in the discussion above, the references fail to disclose or suggest a scale from a lowest and highest

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priority, as recited in this claim. Therefore, the references fail to disclose or suggest at least one element of the invention as recited in claim 74, and so fail to support an obviousness rejection under MPEP § 2143.

Furthermore, claim 76 is presented herein, and particularly recites a quote indicating a product attribute modification for a particular product attribute for which the customer indicated a high level of willingness to negotiate. The cited references fail to disclose or suggest a seller returning a quote indicating a product attribute modification for a particular product attribute for which the customer indicated a high level of willingness to negotiate. Thus, the references fail to disclose at least one element of the invention as recited in claim 76, and so fail to support an obviousness rejection under MPEP § 2143.

CONCLUSION

For at least the foregoing reasons, Applicants respectfully submit that the rejections have been overcome, placing all pending claims in condition for allowance. Such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the above-referenced application.

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Respectfully submitted,
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